

EXHIBIT A

BY EMAIL

Weil, Gotshal & Manges LLP

767 Fifth Avenue
New York, NY 10153-0119
+1 212 310 8000 tel
+1 212 310 8007 fax

Benjamin E. Marks
+1 (212) 310-8029
benjamin.marks@weil.com

September 28, 2023

Paul M. Schoenhard, Esq.
Fried, Frank, Harris, Shriver & Jacobson LLP
801 17th Street, NW
Washington, DC 20006
(202) 639-7000
paul.schoenhard@friedfrank.com

Re: Jurisdictional Discovery in *Getty Images (US), Inc. v. Stability AI, Ltd. et al*, No. 23-135 (D. Del.)

Dear Paul:

In light of your e-mail that you are unable to meet and confer this week, I write regarding the Court's September 22, 2023 Order granting Getty Images (US), Inc.'s ("Getty Images") request for further jurisdictional discovery. *See* Dkt. 30. As you are aware, Getty Images' July 18, 2023 letter (Dkt. 25) set forth several specific discovery requests to which Defendants have either failed to respond or provided incomplete responses. After receiving the Court's Order, we revisited Getty Images' outstanding discovery requests addressed in the July 18 letter. In light of the Court's Order and as part of our continuing efforts to reach a resolution here, we request Defendants provide the following discovery, all of which goes directly to the Court's personal jurisdiction analysis.

Responses to Requests for Production

The subset of outstanding requests for production described below seek documents which should be readily accessible either in a central file or through a targeted search of e-mails for responsible custodians over a narrow time frame. Getty Images requests that Defendants produce:

- Shareholder and board meeting minutes, agendas and board presentations (RFPs 3, 4, 5). For purposes of jurisdictional discovery, Getty Images limits its request to final copies of such minutes, agendas and presentations.
- Intercompany agreements (Stability AI, Ltd. RFP 11, Stability AI, Inc. RFP 12). For purposes of jurisdictional discovery, Getty Images limits its request final copies of such agreements and not related correspondence or drafts.

Paul M. Schoenhard, Esq.
September 28, 2023
Page 2

Weil, Gotshal & Manges LLP

- Documents concerning any shared resources or office space between Defendants, to the extent not already produced as part of an intercompany agreement (Stability AI, Inc. RFP 26).
- Financial statements, annual reports, and ledgers or documentation reflecting intercompany transfers, dividends, or payments (Stability AI, Ltd. RFPs 12, 32, Stability AI, Inc. RFP 13, 16, 23). We understand from prior discussions that Defendants do not have audited financial statements (or at least did not at that time). Getty Images is simply requesting that Defendants produce the financial records they already have prepared (including but not limited to any shared with investors or potential investors), whether audited or not.
- Investor pitch and solicitation documents, including those prepared in connection with the publicly reported rounds of fundraising undertaken by Stability AI, Inc. in 2022 and in 2023 (Stability AI, Ltd. RFPs 19, 20, Stability AI, Inc. RFPs 24, 25). For purposes of jurisdictional discovery, Getty Images limits its request to copies of pitch materials shared with any third parties and the e-mail or other correspondence with potential or actual investors concerning transmittals of such materials.

Interrogatory Responses

Getty Images also requests complete responses to the following interrogatories. If the information requested in these interrogatories is provided in full by documents produced, Getty Images is amenable to a response that identifies the documents containing the responsive pursuant to Fed. R. Civ. P. 33(d).

- Identification of individuals affiliated or associated with Stability AI, Ltd. who have acted on behalf of Stability AI, Inc. and a description of such acts (Stability AI, Ltd. Interrogatory 12). For purposes of jurisdictional discovery, we will accept categorical descriptions of the acts in lieu of a listing of each separate act.
- To the extent not contained in a document produced in response to a request for production, details of the terms of any intercompany agreements (Stability AI, Ltd. Interrogatory 15).
- To the extent not already produced through financial statements and records, information identifying intercompany transfers, dividends, and payments (Stability AI, Ltd. Interrogatories 11, 13, 14, Stability AI, Inc. Interrogatories 3, 5).
- To the extent not identified through communications relating to investor pitches above, identification of individuals involved in raising capital for Stability AI, Inc. and a brief description of their role (Stability AI, Inc. Interrogatory 4).

Paul M. Schoenhard, Esq.
September 28, 2023
Page 3

Weil, Gotshal & Manges LLP

- Information regarding the number of people in the U.S., on a state-by-state basis, who have downloaded Stable Diffusion, accessed Stable Diffusion or DreamStudio, created a DreamStudio account and purchased a DreamStudio image (Stability AI, Ltd. Interrogatory 2).

Deposition

As set forth in Getty Images' July 18 letter, Getty Images also seeks a one deposition of a witness regarding Defendants' relationship and jurisdictional contacts with the forum. Getty Images is willing to take that deposition remotely.

* * *

We look forward to discussing the above requests with you on or before October 2, as ordered by the Court.

Sincerely,

/s/ Benjamin E. Marks

Benjamin E. Marks

cc: Jared R. Friedmann
Brian Liegel
Tammy Mercer
Robert Vrana